

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARNELL L. POLITE,

Defendant.

8:21CR166

ORDER

The Court has reviewed the transcript, evidence of record, and the parties' briefing regarding the pending Motion to Suppress ([Filing No. 26](#)). Having done so, the undersigned has concluded that additional briefing is necessary to clarify the arguments being advanced by the parties.

Accordingly,

IT IS ORDERED as follows:

1. By February 7, 2022, Defendant shall submit a supplemental brief identifying the precise statements he contends were made in violation of *Miranda* and clarify why. Defendant shall also identify the time stamp on the exhibits of where the statements can be found.

2. By February 14, 2022, the government shall file a supplemental brief addressing whether the statements identified by Defendant in his supplemental brief constitute interrogation for purposes of *Miranda*. Additionally, the government shall advise the Court as to its position regarding whether Defendant was "in custody" for purposes of *Miranda* prior to his arrest and/or at the time the disputed statements were made.

3. Once supplemental briefing is received, the Court will deem the matter submitted.

Dated this 31st day of January, 2022.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge